

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

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UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSEPH MOTEN,

Defendant.

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Criminal No. 03-781 (FSH)

ORDER

July 27, 2009

This matter having come before the Court upon Defendant's letter of June 2, 2009 to the Court seeking some unspecified relief as a result of a sentencing enhancement he received for possessing a firearm in connection with another felony offense when the Court sentenced him in 2004;<sup>1</sup> and the Court having received a response from the Government, indicating that Defendant's request for relief should be denied because Defendant's request, which he has raised on several other occasions before this Court, remains without merit; and this Court noting that Defendant has previously raised this identical claim: 1) on February 28, 2005 in a Motion to Vacate, Set Aside or Correct a Sentence pursuant to 28 U.S.C. § 2255, which this Court denied on August 1, 2005; 2) in a request for reconsideration of that denial on February 2, 2005, which this Court denied on February 9, 2006; 3) on February 22, 2007, again seeking rehearing of this argument, which was denied by this Court on February 27, 2007; and 4) on July 2, 2007 as a Motion to be Relieved from Final Judgment pursuant to Fed. R. Crim. P. 52, which this Court

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<sup>1</sup> Defendant also claims that he isn't receiving proper jail credit for time spent in the Hudson County Jail. Such a claim must be brought by way of a Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241.

denied on April 1, 2008; and the Court finding that Defendant raises no new ground on which to seek relief; and for good cause having been shown,

IT IS therefore on this 27<sup>th</sup> day of July, 2009,

ORDERED that Defendant's unspecified request for relief is DENIED.

/s/ Faith S. Hochberg  
Hon. Faith S. Hochberg, U.S.D.J.